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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
FOX, BRYAN J	
ART UNIT	PAPER NUMBER
2686	

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/092,600	STANNERS, SYDNEY DEVLIN	
	Examiner	Art Unit	
	Bryan J Fox	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 2-17 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 2-17 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

SUPPLEMENTAL DETAILED ACTION

This action is in response to the preliminary action filed on August 17, 2004 and replaces the previous office action. The period of reply runs from the mailing date of this supplemental office action. This action is non-final.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2-5 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kearns et al (US005305370A).

Regarding claim 2, Kearns et al discloses a system where a remote transmitter can be activated during an emergency, causing a base unit interfaced with the telephone lines to automatically dial 911 (see column 5, lines 15-23), which reads on the claimed "system for transmitting a signal to a 911 operator comprising: a transmitter for transmitting a triggering signal; a receiver for receiving the triggering signal from the transmitter; a predialler operatively connected to the receiver, the predialler containing identifying information and being activated by the receiver's receipt of the triggering signal, the predialler transmitting a 9-1-1 signal to a 911 operator upon activation." Even if the victim cannot speak, the 911 system operator will know the address of the victim by the automatic location identifier (ALI), which is part of the enhanced 911 system (see column 5, lines 27-31), which reads on the claimed "the 9-1-1 signal

encoded with identifying information convertible by the 911 operator into precise location data."

Regarding claim 3, Kearns et al discloses that the remote transmitter is a small, portable, battery powered device for transmitting a pulse code modulated radio frequency carrier (see column 5, lines 57-65 and figure 3), which reads on the claimed "the transmitter is integrated within a portable handheld device."

Regarding claim 4, Kearns et al discloses that the remote transmitter is a small, portable, battery powered device for transmitting a pulse code modulated radio frequency carrier (see column 5, lines 57-65 and figure 3), which reads on the claimed "the transmitter is integrated within a triggering key."

Regarding claim 5, Kearns et al discloses that the remote transmitter is a small, portable, battery powered device for transmitting a pulse code modulated radio frequency carrier (see column 5, lines 57-65 and figure 3), which reads on the claimed "the transmitter is integrated stand alone unit."

Regarding claim 7, Kearns et al discloses that the base unit is interfaced with the telephone lines and dials 911 (see column 5, lines 15-31), which reads on the claimed "the receiver and predialler are integrated within a landline telephone."

Regarding claim 8, Kearns et al discloses that the base unit is interfaced with the telephone lines and dials 911 (see column 5, lines 15-31), which reads on the claimed "the receiver and predialler are integrated within a phone jack."

Regarding claim 9, Kearns et al discloses a visual indicator and audible indicator that show that remote transmitter has been activated and, by providing such positive

indication that the system has been activated, guard against false alarms (see column 6, lines 6-11), which reads on the claimed "the triggering signal triggering the predialler's activation indicates that an emergency or 9-1-1 call is being initiated."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kearns et al in view of Yanagisawa (US006377169B1).

Regarding claim 6, Kearns et al fails to disclose the transmitter is incorporated into a vehicle communication system.

In a similar field of endeavor, Yanagisawa discloses a system where a transmitter in a vehicle transmits an emergency signal to the control center when an emergency situation arises (see column 8, lines 56-58).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kearns et al with Yanagisawa to include the above transmitter incorporated into a vehicle in order to alert authorities in case of an accident as suggested by Yanagisawa (see column 1, lines 24-29).

Claims 10, 11, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kearns et al in view of Walsh et al (US 20040033795A1).

Regarding claim 10, Kearns et al discloses a system where a remote transmitter can be activated during an emergency, causing a base unit interfaced with the telephone lines to automatically dial 911 (see column 5, lines 15-23), which reads on the claimed "system for transmitting a signal to a 911 operator," and, "a transmitter for transmitting a triggering signal; a landline telephone including a receiver for receiving the triggering signal from the transmitter; the landline telephone further including a predialler operatively connected to the receiver, the predialler containing identifying information and being activated by the receiver upon the receiver's receipt of the triggering signal, the predialler transmitting a 9-1-1 signal to a 911 operator upon activation." Even if the victim cannot speak, the 911 system operator will know the address of the victim by the automatic location identifier (ALI), which is part of the enhanced 911 system (see column 5, lines 27-31), which reads on the claimed "the 9-1-1 signal encoded with identifying information convertible by the 911 operator into precise location data." Kearns et al fails to expressly disclose that the transmitter is incorporated into a cellular telephone.

In a similar field of endeavor, Walsh et al discloses an emergency system device incorporated into a cellular telephone (see paragraphs 60-61).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kearns et al with Walsh et al such that the wireless transmitter is incorporated into a cellular telephone in order to take advantage of the ability to reuse the RF circuitry in the cellular telephone.

Regarding claim 11, the combination of Kearns et al and Walsh et al discloses a visual indicator and audible indicator that show that remote transmitter has been activated and, by providing such positive indication that the system has been activated, guard against false alarms (see Kearns et al column 6, lines 6-11), which reads on the claimed "the triggering signal triggering the predialer's activation indicates that an emergency or 9-1-1 call is being initiated."

Regarding claim 16, Kearns et al discloses a system where a remote transmitter can be activated during an emergency, causing a base unit interfaced with the telephone lines to automatically dial 911 (see column 5, lines 15-23), which reads on the claimed "method for transmitting a signal to a 911 operator," and, "a transmitter for transmitting a triggering signal; enabling a landline telephone with a receiver and a predialler, the receiver for receiving a triggering signal from the transmitter and for activating the predialler upon receipt of the triggering signal." Even if the victim cannot speak, the 911 system operator will know the address of the victim by the automatic location identifier (ALI), which is part of the enhanced 911 system (see column 5, lines 27-31), which reads on the claimed "predialler for transmitting a signal to a 911 operator

encoded with identifying information convertible by the 911 operator into precise location data." Kearns et al fails to expressly disclose that the transmitter is incorporated into a cellular telephone and the cellular telephone makes a 9-1-1 call.

In a similar field of endeavor, Walsh et al discloses an emergency system device incorporated into a cellular telephone (see paragraphs 60-61) and the wireless telephone makes an emergency telephone call to a PSAP (see paragraph 75).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kearns et al with Walsh et al such that the wireless transmitter is incorporated into a cellular telephone and the cellular telephone makes a 9-1-1 call in order to take advantage of the ability to reuse the RF circuitry in the cellular telephone and create an intuitive activation.

Regarding claim 17, the combination of Kearns et al and Walsh et al discloses that the base unit dials 9-1-1 in response to activation from the transmitter (see Kearns et al column 5, lines 15-31), which reads on the claimed invention where the receiver identifies the signal as a 9-1-1 call.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al in view of Kearns et al.

Regarding claim 12, Walsh et al discloses a system where a wireless communication device is told its location in a facility for use during an E911 call by the wireless communication device (see paragraph 55), which reads on the claimed "system for transmitting a signal to a 911 operator," and, "a cell phone." One of the

wireless communication units 206-209 sends the location information to the wireless communication device present in one of the plurality of predetermined areas (see paragraph 69), which reads on the claimed "transmitting a return signal to the first transceiver, the return signal encoded with identifying information," and the wireless communication units may be connected to the PSTN via the controller 200 to provide an alternative communication path for the wireless communication device 104 (see figure 2 and paragraph 77), which reads on the claimed "landline telephone." Preferably, in an E911 application, the wireless communication unit 209 sends the location information at least one of before, during and after the wireless communication device communicates an emergency telephone call to a public safety answering point (see paragraph 75), which reads on the claimed "the first transceiver for receiving the return signal and, in response, for transmitting the return signal including the identifying information to a 911 operator, the return signal encoded with identifying information convertible by the 911 operator into precise location data." Walsh et al fails to expressly disclose the cell phone transmitting a signal to start the process.

In a similar field of endeavor, Kearns et al discloses a transmitter that transmits a signal to activate a system to request emergency assistance (see column 3, lines 7-23).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Walsh et al with Kearns et al to include the above signal to activate the process in order to prevent the unnecessary use of system resources.

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Britton US005745849A) in view of Kearns et al.

Regarding claim 13, Britton discloses an alarm system where a remote detector 17-19 generates data in response to an alarm event and transmits the data to the base unit12 (see column 4, lines 5-22) and this may be via a radio link 28 (see column 3, lines 56-62), which reads on the claimed "transmitter for transmitting a triggering signal; transceiver for receiving the triggering signal." The base unit is linked to the PST via a cellular link 38 to the nearest land-based cellular antenna site 40 (see column 3, line 63 – column 4, line 4), which reads on the claimed "transmitting a second signal upon reception of the triggering signal; a receiver for receiving the second signal from the transceiver." The cell site connects to the PSTN to the alarm monitoring station, which dispatches police or fire-fighters as appropriate (see column 4, lines 5-23 and figure 1), which reads on the claimed "predialler operatively connected to the receiver, the predialler containing identification information and being activated by the receiver upon the receiver's receipt of the second signal, the predialler transmitting a 9-1-1 signal to a 911 operator upon activation." Britton fails to expressly disclose that the signal includes precise location information.

In a similar field of endeavor, Kearns et al discloses an alarm system that transmits a location identifier (ALI) with the call to 9-1-1 (see column 5, lines 15-31).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Britton with Kearns et al to include the above location

information with the emergency call in order to notify the authorities of the location of the emergency.

Regarding claim 14, Britton discloses a base unit 12 linked to the PSTN via a landline 36 and a cellular link 38 for communicating an alarm signal (see column 4, lines 12-16 and figure 1), which reads on the claimed "landline phone including a transmitter for transmitting a triggering signal." The cellular link 38 reads on the claimed "bypass circuit for bypassing the PBX-type master switching box thereby connecting directly to a junction box and the bypass circuit including a receiver for receiving the triggering signal from the transmitter." The base unit reads on the claimed "predialler operatively connected to the bypass circuit, the predialler containing identifying information and being activated by the receiver upon the receiver's receipt of the triggering signal." The base unit contacts the central alarm-monitoring station, which dispatches police or fire fighters as appropriate (see column 4, lines 5-23), which reads on the claimed "the predialler transmitting a 9-1-1 signal to a 911 operator upon activation." Britton fails to expressly disclose that the signal includes precise location information.

In a similar field of endeavor, Kearns et al discloses an alarm system that transmits a location identifier (ALI) with the call to 9-1-1 (see column 5, lines 15-31).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Britton with Kearns et al to include the above location information with the emergency call in order to notify the authorities of the location of the emergency.

Regarding claim 15, the combination of Britton and Kearns et al discloses a base unit 12 that receives an alarm signal and is connected to the PSTN via a landline and a cellular connection (see column 3, line 63 – column 4, line 23), which reads on the claimed "a landline telephone may be connected to the bypass circuit, the landline telephone integrating the receiver and the predialler."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kruger et al (US005337342A) discloses an emergency call system.

Maystre et al (US006032036A) discloses an alarm and emergency call system.

DeFino (US006104783A) discloses a method and apparatus for securing a site utilizing a security apparatus in cooperation with telephone systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J Fox whose telephone number is (703) 305-8994. The examiner can normally be reached on Monday through Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJF

CHARLES APPIAH
PRIMARY EXAMINER